

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

|                                     |   |                          |
|-------------------------------------|---|--------------------------|
| UNITED STATES OF AMERICA,           | ) | 8:03CR314                |
| Plaintiff,                          | ) |                          |
|                                     | ) |                          |
| v.                                  | ) | USM No: 19301-047        |
|                                     | ) |                          |
| LARRY D. SHELLY                     | ) | <u>JEFFREY L. THOMAS</u> |
| Defendant.                          | ) | Defendant's Attorney     |
| Date of previous judgment: 7/9/2004 | ) |                          |

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of the defendant under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 84 months is reduced to 70 months.

**I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**

|                            |                                |                            |                               |
|----------------------------|--------------------------------|----------------------------|-------------------------------|
| Previous Offense Level:    | <u>23</u>                      | Amended Offense Level:     | <u>21</u>                     |
| Criminal History Category: | <u>V</u>                       | Criminal History Category: | <u>V</u>                      |
| Previous Guideline Range:  | <u>84</u> to <u>105</u> months | Amended Guideline Range:   | <u>70</u> to <u>87</u> months |

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

The reduced sentence is within the amended guideline range.

The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

Other (explain):

**III. ADDITIONAL COMMENTS**

Except as provided above, all provisions of the judgment dated July 9, 2004 shall remain in effect.  
**IT IS SO ORDERED.**

Dated this 9<sup>th</sup> day of May, 2008  
Effective Date: May 9, 2008

s/ Joseph F. Bataillon  
Chief United States District Judge